

REMARKS:

In the outstanding Office Action, the Examiner rejected claims 14, 17, 20, 23 and 25. Claims 14, 17, 20, 23 and 25 are amended herein. No new matter is presented. Claims 1-13, 15, 16, 18, 19, 21, 22 and 24 remain cancelled.

Support for the amendments can be found at least at paragraphs 85, 219, 237-239, 297-300 ("decreasing cumulative points according to a period of providing the service"), Figs. 4 and 5 (operations S22-S28) and Fig. 31 of the present application.

Thus, claims 14, 17, 20, 23 and 25 are pending and under consideration. The rejections are traversed below.

REJECTION UNDER 35 U.S.C. § 103(a):

Starting on page 2 of the Office Action the Examiner rejected claims 14, 17, 20, 23, and 25 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,684,195 (Deaton) in view of Official Notice. Applicants respectfully traverse the Examiner's rejections of these claims.

Deaton does not teach or suggest "calculating the issued points to accumulate the issued points so as to get cumulative points" and "decreasing the cumulative points partially redeemed, on a time-by-time basis, with a time when an electronic information service is provided to a customer terminal", as recited in claim 14. See also claims 17, 20 and 23 reciting similar features.

In contrast, Deaton discusses incentive coupons that are deemed to be effective if the coupons are redeemed within a selected time period where the coupons are generated based on purchases by a customer in a certain time period (i.e., shopping frequency and dollar volume) (see, Fig. 18C including corresponding text).

The Examiner appears to assert that Deaton's issuance of coupons based on purchases made within a selected time period teaches the claimed "calculating the issued points and decreasing cumulative points." However, Deaton does not teach or suggest calculating and decreasing cumulative points for "a time when an electronic information service is provided to a customer terminal", as recited in the independent claims of the present invention.

Decreasing the cumulative points "on a time-by-time basis with a time when an electronic information service is provided to a customer terminal" as recited in the claims, for example,

prevents a case where issued points are reduced regardless of whether the customer obtained a part or full of the electronic information.

Deaton does not teach or suggest displaying the decreased customer's cumulative points on a screen of the customer terminal "during the time the electronic information service is provided to the customer terminal", for example as recited in claim 14. Deaton does not teach or suggest display of the redeemed coupons "during" the purchase the products.

Claim 25 also recites, "decreasing the total points of the customer... on a time-by-time basis, in proportion to a time during which an electronic information service is provided to the customer", which is not taught or suggested by Deaton. Instead, Deaton discusses coupons redeemed for purchase of products, not "in proportion to a time during which" the products are purchased.

As mentioned above, the independent claims patentably distinguish over Deaton. The Examiner acknowledges that Deaton doesn't teach that the services provided are video information, voice information, software information, music information and database information, but relies on Official Notice.

The Examiner maintains that it is old and well known in the computer related arts to provide services electronically in order to avoid the need for the customer to have to wait for the goods or services, or having to pick up the same from a remote location. Applicants respectfully traverse and incorporate herein previous responses (for example, Amendment filed on March 30, 2007) specifically pointing out errors in the Examiner's assertion and respectfully request that the Examiner produce authority for the statement. Applicants note that the present application claims the benefit of priority from Japanese Application filed on April 9, 1993. Thus, it is inappropriate to take Official Notice in this case because, absent hindsight, decreasing points during a time when electronic information service is provided where the electronic information service is at least any of video information, voice information, software information, music information and database information is not of notorious character or capable of instant and unquestionable demonstration as being well-known. While Applicants understand that claims are given their broadest reasonable interpretation, Applicants request that the claimed invention with limitations recited therein be considered as a whole in light of the Specification.

Even assuming combination of Deaton and Official Notice does disclose the features discussed by the Examiner, the Applicants respectfully submit that there is no explicit or implicit

motivation to combine Deaton and Official Notice, as Deaton is silent regarding providing electronic information service such as video information, voice information, etc.

Moreover, assuming, *arguendo*, that the teachings of Deaton could be combined with the noticed fact, such a combination would render Deaton unsatisfactory for its intended purpose. It is not possible for Deaton to entice non-customers or infrequent customers to visit retail stores and provide the products electronically. Therefore, the combination of the Deaton and the Official Notice proposed by the Examiner would render each unsatisfactory for its intended purpose.

Even if the Examiner's assertion and rejection based on common knowledge is valid, the claimed invention is distinguishable since Deaton and the noticed fact do not teach or suggest the above-discussed features including decreasing the cumulative points during "a time when the electronic information service is being provided on a time-by-time basis", as recited in the independent claims 14, 17, 20, 23 and 25 ("decreasing the total points in proportion to a time during which an electronic information service is provided to the customer" in claim 25).

Therefore, withdrawal of the rejection is respectfully requested.

CONCLUSION:

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters. If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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